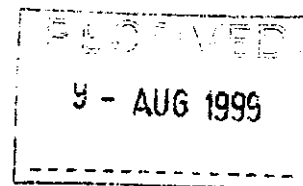


C10.2.

**COPY**



30 July 1999

Mr Grant Flynn  
Pacific Hydro Limited  
Level 8, 474 Flinders Street  
Melbourne Vic 3000

Dear Grant

**PLANNING PERMIT 99020N  
REQUEST FOR AMENDMENT TO PERMIT  
PROPERTY AT FERGUSONS ROAD, CODRINGTON**

I refer to your facsimile of 24 June 1999 requesting amendments to condition 2 & the deletion of condition 8 on the above planning permit.

Please note that your request has been considered and Council has determined to amend Planning permit 99020N pursuant to s73 of the Planning and Environment Act 1987 in the following manner:

- replace the signatory to the s173 Agreement in Condition 2 from Sustainable Energy Australia to Pacific Hydro Limited;
- delete Condition 8 of the above planning permit.

Please find attached an amended permit 99020N.

If you have any queries on this matter please contact the Planning Office.

Yours faithfully

  
George Berg  
Town Planner

# PLANNING PERMIT

Permit No: 99020N (Amended)

Planning Scheme: Minhamite

Responsible  
Authority: Moyne Shire Council

## ADDRESS OF THE LAND:

Crown Allotments: 1, 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12A, 12B, 13A, 14A1, Section: 12, Parish of Eumeralla and CP: 10 and 11, Parish of Eumeralla, Fergusons Road, Codrington.

## THE PERMIT ALLOWS:

The establishment of a wind farm - wind energy power station comprising of 14 pole mounted wind turbines and a wind monitoring unit, with associated buildings and works in accordance with the endorsed plans.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT: (12 Conditions)

1. Before the use and/or development of the wind turbines start, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:-

- (a) The dimensions of the turbines, Nacelle, blades and foundations.

DATE ISSUED: 27th of April, 1999

Planning and Environment Regulations 1988 Form 4.4

SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY



Peter A. Reeve,  
MANAGER OF SERVICES.

NOTE: This Planning Permit was amended pursuant to Section 73 of the Planning and Environment Act 1987 removing a requirement for tree planting along boundaries abutting the Princes Highway and a change to the signatory to the Section 173 Agreement from Sustainable Energy Australia to Pacific Hydro Limited.

Amendment Date: 17th of June, 1999  
21<sup>st</sup> of July, 1999

MOYNE SHIRE COUNCIL

APPLICATION NO: 99020N

**Conditions (Continued)**

- (b) A profile of each turbine including the nacelle, blades and foundations.
  - (c) The layout of the site indicating all roads and tracks.
  - (d) The location of each of the wind turbines.
  - (e) The turbine placement boundary (building envelope).
2. Before the commencement of the use an agreement under Section 173 of the Planning & Environment Act 1987 must be entered into between Pacific Hydro Limited, the owners of the land and the responsible authority in a form satisfactory to the responsible authority including:
- a) a requirement that the owner pay the cost of the responsible authority in relation to the agreement;
  - b) a requirement that the owners pay a proportion of monies for the upgrade of Ferguson's Road including the bridge and including the widening of a section of the carriageway to the specified standard of the Moyne Shire Council.
  - c) A requirement that all roadways/tracks on site be constructed to a specified standard of the Moyne Shire Council;
  - (d) A requirement that all services be located under the internal roadways/tracks to the satisfaction of the Moyne Shire Council.
  - (e) A requirement that a servicing easement be created on the internal roadways/tracks to the satisfaction of the Moyne Shire Council and the relevant service authorities;
  - (f) A requirement that all power lines (where by means of a cable) leading from the turbines to the existing overhead cables on Ferguson Road must be located underground to the satisfaction of the Moyne Shire Council and the relevant service authorities;

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**DATE ISSUED:** 27th of April, 1999

Planning and Environment Regulations 1988 Form 4.4

**SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY**



Peter A. Reeve,  
**MANAGER OF SERVICES.**

MOYNE SHIRE COUNCIL

APPLICATION NO: 99020N

Conditions (Continued)

- (g) A requirement that the wind monitoring unit hereby approved be removed from the site within four years of the issue of a planning permit to the satisfaction of the Moyne Shire Council unless this period is extended in writing by the Moyne Shire Council;
  - (h) A requirement that all turbines and foundations be removed and the land be reinstated to the satisfaction of the responsible authority within 12 months of the use ceasing;
  - (i) Deleted.
  - (j) A requirement that a public information viewing area be constructed on the application site to the satisfaction of the Moyne Shire Council and the appropriate road authority;
  - (k) A requirement this a Section 173 Agreement be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987.
- 3. The layout of the site and size and configuration of the proposed buildings and works shown on the endorsed plans shall not be altered or modified (whether or not in order to comply with any statutory requirement or local law or for any other reason) without the consent of the Responsible Authority.
  - 4. The location of the building envelope must not be altered without the further consent of the responsible authority.
  - 5. No nuisance or annoyance to persons beyond the site must be caused by the use hereby permitted.
  - 6. The emission of noise from the site must comply with the State Environment Protection Policy or Policies to the satisfaction of the Responsible Authority.
  - 7. A schedule of colours and materials proposed for the wind turbines must be provided to Council prior to the commencement of the use hereby approved to the satisfaction of the responsible authority.

**DATE ISSUED:** 27th of April, 1999

Planning and Environment Regulations 1988 Form 4.4

**SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY**

Peter A. Reeve,  
MANAGER OF SERVICES.

MOYNE SHIRE COUNCIL

APPLICATION NO: 99020N

Conditions (Continued)

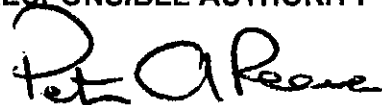
8. Deleted.
9. No external lighting must be installed without the further consent of the responsible authority.
10. This permit expires if the use and development is not commenced within two years from the date of issue or the buildings and works are not completed within 4 years of the date of issue unless either of these dates are extended by the Responsible Authority in writing. An application for an extension of time may be made in writing within 3 months of the expiry date.
11. The use authorised by this permit shall not commence, and no works may be undertaken, until the following requirements have been met to the satisfaction of Aboriginal Affairs Victoria and the Responsible Authority:-
  - (a) The applicant is to fund a survey to locate, record and assess Aboriginal sites, places and objects on all land likely to be affected by the development, including land which may be disturbed by associated works such as new access roads, buildings and services.
  - (b) The applicant is to undertake and fund any archaeological sampling or salvage excavation which may be recommended as a result of the above-mentioned survey, subject to the endorsement of such recommendations by Aboriginal Affairs Victoria; and
12. Prior to the disturbance of any identified Aboriginal site, place or object, the applicant is to seek and obtain written consent to disturb from the relevant local Aboriginal community, as nominated for the purposes of Part IIA of the (Commonwealth) *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984.

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DATE ISSUED: 27th of April, 1999

Planning and Environment Regulations 1988 Form 4.4

SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY



Peter A. Reeve,  
MANAGER OF SERVICES.